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AMENDED IN SENATE JUNE 23, 1997

AMENDED IN ASSEMBLY MAY 21, 1997

AMENDED IN ASSEMBLY APRIL 23, 1997

AMENDED IN ASSEMBLY APRIL 8, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 153**

**Introduced by Assembly Member Baldwin**

January 22, 1997

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An act to add Section 53077.5 to the Government Code, and to amend Section 5353 of the Public Utilities Code, relating to youth groups.

### LEGISLATIVE COUNSEL'S DIGEST

AB 153, as amended, Baldwin. Youth groups: use of beach and recreation areas: carrier exemption.

(1) Existing law provides for the use of local public land and property, as specified.

This bill would prohibit any state or local agency from adopting or enforcing any ordinance, regulation, or other law that requires a youth group, as defined, to pay a charge, as defined, in excess of any charge that is imposed on ~~an adult~~ a group composed of a similar number of persons for the use of, or access to, a public beach or recreation area, as defined, or that requires a youth group to obtain a permit for that use or

access unless such ~~an adult~~ a group is also required to obtain a permit.

(2) Under existing law, the Passenger Charter-Party Carriers' Act, the furnishing of specified passenger transportation services by a charter-party carrier of passengers is subject to the jurisdiction and control of the Public Utilities Commission and is required to be furnished pursuant to a certificate of public convenience and necessity or a permit issued by the commission.

This bill would exempt from the act transportation services incidental to the operation of a youth camp that are provided by either a nonprofit tax-exempt organization or an organization that operates an organized camp, as defined, serving youth 18 years of age or younger. However, the bill would require those transportation services to comply with various requirements relating to the registration, operation, maintenance, and insurance of vehicles, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 53077.5 is added to the  
2 Government Code, to read:

3 53077.5. (a) For purposes of this section, the  
4 following terms have the following meaning:

5 (1) "Charge" means any fee or other impost,  
6 including, but not limited to, a financial requirement to  
7 pay a percentage of any revenues received for an  
8 organized activity held on, or involving the use of, a  
9 public beach or recreation area.

10 (2) "Group" means an assemblage of persons of  
11 unspecified age who share a singularity of purpose or  
12 affiliation that is manifested in joint activity, and who may  
13 be formally organized or may produce revenue from  
14 their activities.

15 (3) "Organized camp" has the same meaning as  
16 defined in Section 18897 of the Health and Safety Code.

17 ~~(3)~~

(4) “Public beach or recreation area” means a beach area or an open-space recreational area that is owned or operated by a state or local agency.

~~(4)~~

(5) “Youth group” means an organization that serves youth 18 years of age or younger, including, but not limited to, the Boy Scouts, the Girl Scouts, the YMCA, Boys’ and Girls’ Clubs, 4H Programs, or any organization that operates an organized camp.

(b) No state or local agency shall adopt or enforce any ordinance, regulation, or other law that requires a youth group to pay a charge in excess of any charge that is imposed on ~~an adult~~ a group composed of a similar number of persons for the use of, or for access to, a public beach or recreation area, or that requires a youth group to obtain a permit for that use or access unless such ~~an adult~~ a group is also required to obtain a permit.

(c) This section shall not be construed to do either of the following:

(1) Prohibit a state or local agency from providing free or lower cost use of, or access to, a public beach or recreation area to any nonprofit group, school, or program operated by a governmental agency.

(2) Except as specified in subdivision (d), limit the ability of a state or local agency to restrict the use of, or access to, a public beach or recreation area if the restriction applies equally to all groups composed of the same number of persons.

(d) Nothing in this section prohibits the imposition of special fees imposed on groups requesting special services or facilities, or conducting activities beyond those provided in the normal scope of activities or operations at a public beach or recreation area.

SEC. 2. Section 5353 of the Public Utilities Code is amended to read:

5353. This chapter does not apply to any of the following:

(a) Transportation service rendered wholly within the corporate limits of a single city or city and county and licensed or regulated by ordinance.

1 (b) Transportation of school pupils conducted by or  
2 under contract with the governing board of any school  
3 district entered into pursuant to the Education Code.

4 (c) Common carrier transportation services between  
5 fixed termini or over a regular route which are subject to  
6 authorization pursuant to Article 2 (commencing with  
7 Section 1031) of Chapter 5 of Part 1 of Division 1.

8 (d) Transportation services occasionally afforded for  
9 farm employees moving to and from farms on which  
10 employed when the transportation is performed by the  
11 employer in an owned or leased vehicle, or by a nonprofit  
12 agricultural cooperative association organized and acting  
13 within the scope of its powers under Chapter 1  
14 (commencing with Section 54001) of Division 20 of the  
15 Food and Agricultural Code, and without any  
16 requirement for the payment of compensation therefor  
17 by the employees.

18 (e) Transportation service rendered by a publicly  
19 owned transit system.

20 (f) Passenger vehicles carrying passengers on a  
21 noncommercial enterprise basis.

22 (g) Taxicab transportation service licensed and  
23 regulated by a city or county, by ordinance or resolution,  
24 rendered in vehicles designed for carrying not more than  
25 eight persons excluding the driver.

26 (h) Transportation of persons between home and  
27 work locations or of persons having a common  
28 work-related trip purpose in a vehicle having a seating  
29 capacity of 15 passengers or less, including the driver,  
30 which are used for the purpose of ridesharing, as defined  
31 in Section 522 of the Vehicle Code, when the ridesharing  
32 is incidental to another purpose of the driver. This  
33 exemption also applies to a vehicle having a seating  
34 capacity of more than 15 passengers if the driver files with  
35 the commission evidence of liability insurance protection  
36 in the same amount and in the same manner as required  
37 for a passenger stage corporation, and the vehicle  
38 undergoes and passes an annual safety inspection by the  
39 Department of the California Highway Patrol. The  
40 insurance filing shall be accompanied by a one-time filing

1 fee of seventy-five dollars (\$75). This exemption does not  
2 apply if the primary purpose for the transportation of  
3 those persons is to make a profit. "Profit," as used in this  
4 subdivision, does not include the recovery of the actual  
5 costs incurred in owning and operating a vanpool vehicle,  
6 as defined in Section 668 of the Vehicle Code.

7 (i) Medical transportation vehicles, including vehicles  
8 employed to transport developmentally disabled persons  
9 for regional centers established pursuant to Chapter 5  
10 (commencing with Section 4620) of Division 4.5 of the  
11 Welfare and Institutions Code.

12 (j) Transportation services rendered solely within the  
13 Lake Tahoe Basin, comprising that area included within  
14 the Tahoe Regional Planning Compact as set forth in  
15 Section 66801 of the Government Code, when the  
16 operator of the services has obtained any permit required  
17 from the Tahoe Basin Transportation Authority or the  
18 City of South Lake Tahoe, or both.

19 (k) Subject to Section 34507.6 of the Vehicle Code,  
20 transportation service provided by the operator of an  
21 automobile rental business in vehicles owned or leased by  
22 that operator, without charge other than as may be  
23 included in the automobile rental charges, to carry its  
24 customers to or from its office or facility where rental  
25 vehicles are furnished or returned after the rental period.

26 (l) Subject to Section 34507.6 of the Vehicle Code,  
27 transportation service provided by the operator of a  
28 hotel, motel, or other place of temporary lodging in  
29 vehicles owned or leased by that operator, without charge  
30 other than as may be included in the charges for lodging,  
31 between the lodging facility and an air, rail, water, or bus  
32 passenger terminal or between the lodging facility and  
33 any place of entertainment or commercial attraction,  
34 including, but not limited to, facilities providing snow  
35 skiing. Nothing in this subdivision authorizes the operator  
36 of a hotel, motel, or other place of temporary lodging to  
37 provide any round-trip sightseeing service without a  
38 permit, as required by subdivision (c) of Section 5384.

39 (m) (1) Transportation of hot air balloon ride  
40 passengers in a balloon chase vehicle from the balloon

1 landing site back to the original take-off site, provided  
2 that the balloon ride was conducted by a balloonist who  
3 meets all of the following conditions:

4 (A) Does not fly more than a total of 30 passenger rides  
5 for compensation annually.

6 (B) Does not provide any preflight ground  
7 transportation services in their vehicles.

8 (C) In providing return transportation to the launch  
9 site from landing does not drive more than 300 miles  
10 annually.

11 (D) Files with the commission an exemption  
12 declaration and proof of vehicle insurance, as prescribed  
13 by the commission, certifying that the operator qualifies  
14 for the exemption and will maintain minimum insurance  
15 on each vehicle of one hundred thousand dollars  
16 (\$100,000) for injury or death of one person, three  
17 hundred thousand dollars (\$300,000) for injury or death  
18 of two or more persons and one hundred thousand dollars  
19 (\$100,000) for damage to property.

20 (2) Nothing in this subdivision authorizes the operator  
21 of a commercial balloon operation to provide any  
22 round-trip sightseeing service without a permit, as  
23 required by subdivision (c) of Section 5384.

24 (n) (1) Transportation services incidental to  
25 operation of a youth camp that are provided by either a  
26 nonprofit organization that qualifies for tax exemption  
27 under Section 501(c)(3) of the Internal Revenue Code or  
28 an organization that operates an organized camp, as  
29 defined in Section 18897 of the Health and Safety Code,  
30 serving youth 18 years of age or younger.

31 (2) Any transportation service described in paragraph  
32 (1) shall comply with all of the following requirements:

33 (A) Register as a private carrier with the commission  
34 pursuant to Section 4005.

35 (B) Participate in a pull notice system for employers  
36 of drivers as prescribed in Section 1808.1 of the Vehicle  
37 Code.

38 (C) Have all vehicles that are owned or leased by the  
39 organized youth camp inspected in conformance with  
40 the rules and regulations for vehicle inspections that are

1 adopted by the Department of the California Highway  
2 Patrol pursuant to Section 34501 of the Vehicle Code.

3 (D) Obtain the following minimum amounts of  
4 general liability insurance coverage for vehicles that are  
5 used to transport youth:

6 (i) A minimum of five hundred thousand dollars  
7 (\$500,000) general liability insurance coverage for  
8 passenger vehicles designed to carry up to eight  
9 passengers. *For organized camps, as defined in Section*  
10 *18897 of the Health and Safety Code, an additional two*  
11 *hundred fifty thousand dollars (\$250,000) general*  
12 *umbrella policy that covers vehicles.*

13 (ii) A minimum of one million dollars (\$1,000,000)  
14 general liability insurance coverage for vehicles designed  
15 to carry up to 15 passengers. *For organized camps, as*  
16 *defined in Section 18897 of the Health and Safety Code, an*  
17 *additional five hundred thousand dollars (\$500,000)*  
18 *general umbrella policy that covers vehicles.*

19 (iii) A minimum of one million five hundred thousand  
20 dollars (\$1,500,000) general liability insurance coverage  
21 for vehicles designed to carry more than 15 passengers,  
22 and an additional three million five hundred thousand  
23 dollars (\$3,500,000) general umbrella liability insurance  
24 policy that covers vehicles.

